

PUBLIC

AI Index: ASA 31/048/2004

23 February 2004

UA 78/04 **Fear for safety / possible 'disappearance'**

NEPAL **Bal Krishna Devkota (m), lawyer**
Dhananjay Khanal (m) 40, lawyer

Amnesty International is concerned for the safety of the two lawyers named above who were both reportedly arrested at their homes at around 11pm on 21 February. Their families have not been informed of their whereabouts.

Three people in plain clothes, who identified themselves as security forces personnel, reportedly came to Bal Krishna's house in Ward no. 2, Sitapaila, Kathmandu District. They asked to see his identity card and searched his house, and then took him away for further questioning. Bal Krishna Devkota's wife reports that she called his mobile telephone the next day and was told by someone who did not identify himself that her husband was sleeping. When she tried to call again, the following morning, the telephone was switched off.

At around the same time as Bal Krishna Devkota's arrest, 12 men in plain clothes reportedly surrounded Dhananjay Khanal's home, in Ward no. 2, Sanepa, Lalitpur District. Four of them went into the house, claiming to be security forces personnel. Witnesses report that they handcuffed Dhananjay Khanal, put a hood over his head and took him away.

These two men appear to have been arrested because of their involvement in the defences of people arrested under the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA). Local human rights organisations have reported both these cases to the National Human Rights Commission.

BACKGROUND INFORMATION

Amnesty International has been concerned about a deterioration in the human rights situation in Nepal since the Communist Party of Nepal (CPN) (Maoist) launched a "people's war" in February 1996. Reports of human rights abuses by both the security forces and the CPN (Maoist) escalated after the army was mobilized and a state of emergency imposed between November 2001 and August 2002. Many people were arrested under the 2002 Terrorist and Disruptive Activities (Control and Punishment) Act (TADA), which gave the security forces the power to arrest without warrant and detain suspects in police custody for up to 90 days. Scores of people are reported to have been held for weeks or even months in illegal army custody without access to their families, lawyers or medical treatment. In 2002, Nepal recorded the highest number of "disappearances" of any country in the world. The CPN (Maoist) are also reported to have abducted scores of people.

On 29 January 2003, both sides agreed to a ceasefire. Three rounds of peace talks were held - in April, May and August - between the government and representatives of the CPN (Maoist). The CPN (Maoist) announced they were withdrawing from the ceasefire agreement as of 27 August 2003. Since then, fighting has resumed throughout the country, and Amnesty International has received reports of both sides committing human rights abuses. In particular there has been a rise in the number of "disappearances" at the hands of the security forces and abductions by the CPN (Maoist)

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for the safety of Dhananjay Khanal and Bal Krishna Devkota, who were both arrested at 11pm on 21 February;
- urging that they be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make public their whereabouts and to grant them immediate access to their relatives, lawyers and any medical attention they may require;
- calling for the three men to be released immediately and unconditionally, unless they are to be charged with a recognizably criminal offence.

APPEALS TO: (Faxes may be switched off outside office hours, 5 ½ hours ahead of GMT)

General Pyar Jung Thapa
Chief of Army Staff (COAS)
Army Headquarters
Kathmandu, Nepal

Telegram: Commander-in-Chief, Army Headquarters, Kathmandu, Nepal

Fax: + 977 1 4 242 168

Salutation: Dear Commander-in-Chief

Colonel Nilendra Prasad Aryal
Head of Army Human Rights Cell
Army Headquarters
Singha Durbar, Kathmandu, Nepal

Telegram: Colonel NP Aryal, Army Headquarters, Singha Durbar, Kathmandu, Nepal

Fax: + 977 1 4 226 292/ 229 451 (If someone answers the telephone please ask them in English to switch on the fax machine, and resend the fax).

Salutation: Dear Colonel

COPIES TO:

Prime Minister Surya Bahadur Thapa
Prime Minister's Office
Singha Durbar
Kathmandu, Nepal

Fax: + 977 1 4 227 286

Salutation: Dear Prime Minister

and to diplomatic representatives of Nepal accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 April 2004.